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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,427	01/17/2006	J. Donn Hethcock	0837RF-H552-US	5925

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EXAMINER

AFTERGUT, JEFF H

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

10/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/533,427

**Applicant(s)**

HETHCOCK ET AL.

**Examiner**

Jeff H. Aftergut

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-28 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) 27, 28 and 32-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of Group I, claims 22-26 in the reply filed on 8-20-08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 27, 28 and 32-44 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8-20-08.

***Claim Rejections - 35 USC § 102/103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 22-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sidles for the same reasons as expressed in paragraph 7 of the Office action dated March 20, 2008.

***Response to Arguments***

5. Applicant's arguments filed August 20, 2008 have been fully considered but they are not persuasive.

Regarding claims 22-26, the applicant essentially presents only a single argument (that the claims stand or fall on). Applicant addresses whether the reference to Sidles teaches a step of "infusing a resin material through each perform and the

overlapping Z-direction fibers and loops" and takes the position that there is no "infusing" taught by Sidles because "infusing" requires that one take dry (without resin) fiber perform and place it into a mold and close the mold followed by injecting into the mold a resin so that the preform is fully wetted with resin. While this is certainly one definition of the manner in which infusion takes place, the specification did not positively define "infusing" in a positive manner (i.e., the term "infusing" as used herein means...). As such, it is reasonable to look to what one of ordinary skill in the art would take "infusing" to mean in its broadest reasonable interpretation. Here, the term "infusing" as taken from dictionary.com is taken to include "to introduce, as if by pouring; to cause to penetrate" (Dictionary.com Unabridged), "To put into or introduce as if by pouring", "To fill or cause to be filled with something" (American Heritage Dictionary). The reference to Sidles suggested that:

"The first and second plies 15, 20 are stacked so that the binder 40 is dispersed between the plies and such that the fibers of the first ply 15 will cooperate with the fibers 30 of the second ply 20." (column 2, lines 45-51), and;

"Upon the application of proper conditions, i.e., heat and pressure, the binder 40 sets to form a matrix which substantially impregnates the plies. To the extent that the binder 40 is located between the plies, it can be said to be "sandwiched" between the plies. Of course it should be understood that this term contemplates complete saturation as well as discrete layers of binder and ground cloth and all degrees of penetration therebetween. By "substantially impregnates" it is anticipated that the matrix will substantially fill the interstices between the fibers. It is preferred that the composite has no porosity and that the matrix saturates the substrate 22." (emphasis added).

Clearly, Sidles performed a process of introducing (upon proper conditions of heat and pressure) and/or causing the matrix material to infiltrate the interstices between the fibers of the reinforcement layers where the matrix was applied to the dry fabric

preforms and heat and pressure applied to infiltrate the dry preforms and completely impregnate the same. As the specification as originally disclosed does not define a mold into which the resin is injected in order to infiltrate the dry performs with resin, it is not believed that the term "infusing" is entitled to the limited meaning applicant is attempting to impart to the same. Since the reference to Sidles clearly "substantially impregnates" the preforms wherein the interstices between the fibers are filled with matrix by application of proper conditions, i.e., heat and pressure, the reference to Sidles clearly "infuses" the resin into the preforms within the meaning of the term and within the scope of the claim.

No claims are allowed.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:30-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/  
Primary Examiner  
Art Unit 1791

JHA  
October 15, 2008